**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2396 OF 2006**
**IN**
**WRIT PETITION NO.99 OF 1999**

Babu Bandu Patel @ Patil since
deceased by his Heirs & LRs:
1.Suleman Babu Patil & Ors. .. Petitioners
V/s
The Special Land Acquisition Officer
No.9 & Ors. .. Respondents

Mr.A.N.Mulla for the Petitioners.
Mrs.M.P.Thakur, AGP for the Respondents.

**CORAM : B.H.MARLAPALLE & NARESH H.PATIL,JJ.**
**DATE : 29th September, 2006.**

**P.C.:**

1. We have heard Mr.Mulla, the learned Counsel for the Petitioners who was not present when the Writ Petition No.99 of 1999 was decided and rejected by us on 20.09.2006 on perusal of the record which was placed before us by the learned AGP.

2. We are satisfied that our order dated 20.09.2006 does not require any variation. However, it is now stated before us that the subject land admeasuring 1 Hector and 62 Ares is still in possession of the petitioner as at present, and if that be so, the petitioners are at liberty to apply under Section 48 of the Land Acquisition Act, 1894 to the Divisional Commissioner, Pune.

3. If such an application is submitted within a period of four weeks from today, the same shall be heard and

decided by the Divisional Commissioner as per law, expeditiously, and in any case, by 31st March, 2007 and the Divisional Commissioner shall consider all the issues including the issue of slab under the Maharashtra Resettlement of Project Affected Persons Act (Warana Project affected persons), as applicable to the concerned area.

4. Civil Application is disposed off accordingly.

**(NARESH H.PATIL,J.)** **( B.H.MARLAPALLE, J.)**